

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

THE GRAND TRAVERSE BAND OF OTTAWA
INDIANS AND ITS EMPLOYEE
WELFARE PLAN,

Plaintiffs,

Case No. 15-cv-13708

-v-
BLUE CROSS BLUE SHIELD OF
MICHIGAN,

HONORABLE DAVID M. LAWSON

WITNESS.

_____ /

DEPOSITION OF GINA DAHLKE

APPEARANCES:

For the Plaintiff:

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For the WITNESS:

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Also Present: Michelle Heikka,
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Reported by: Teri L. Heacock, RPR/CRR/CSR-2309

1 marketplace. And with the subsidies and such if they
2 qualify, if they're low income enough, they could qualify
3 for subsidies. So some of them are just not aware, so we
4 just try to encourage them to sit down with Theresa or
5 Roberta and see what their options are.

6 Q. Do you currently have to pay any sort of biweekly premium
7 or monthly premium to participate in your Priority Health
8 plan?

9 A. No, I don't.

10 Q. Who pays for that?

11 A. The Tribe.

12 Q. Did the Tribe also pay for your health coverage before you
13 were on the Priority Health plan?

14 A. Yes.

15 Q. 100 percent of it?

16 A. Yes.

17 Q. When you testified earlier about you try to get the
18 Medicare Like Rate. What did you mean by that?

19 A. We -- if they're hospital claims, we submit those for
20 repricing.

21 Q. What do you mean *repricing*?

22 A. For -- to get -- they're repriced at Medicare rates for
23 Native Americans. That's what we -- we use. The Native
24 Americans are allowed Medicare Like Rates at hospitals.
25 That's what we do.

1 we would save. And so with the health director at the
2 time, her and I discussed, you know, should we try this,
3 should we not. Because at the time we had no monies for
4 any kind of software repricing for Medicare Like Rates, and
5 we -- I had no clue how to start -- billing was not my
6 thing. So, um, so we said, okay, yeah, what have we got to
7 lose? It's a free coupon for ten of 'em. And so we
8 contacted Forest County and, then we got their fax
9 information, and then they told us what they required us to
10 send over, and they would reprice them and send them back,
11 and that's what happened. I think we sent seven that fall.
12 Seven of our largest ones that I could remember or pull
13 that were -- of people who had no insurance. That's what
14 we sent first.

15 Q. Have you ever sent to them claims for people that did have
16 insurance?

17 A. Not 'til later.

18 Q. And when you say *not until later*, what do you mean?

19 A. Um, not for a couple years later.

20 Q. Do you know why?

21 A. Because we did not -- we weren't aware that Medicare Like
22 Rates also applied to native people in the PRC program that
23 also had a primary insurance.

24 Q. What do you mean by that?

25 A. That means that if they had Priority Health or ASC or Blue

1 Cross, that you could still submit the claim for Medicare
2 Like Rates and pay whatever was cheaper, pay the lesser
3 amount.

4 Q. Let's take your participation in Priority Health at the
5 present time.

6 A. Okay.

7 Q. Does, to your knowledge, Priority Health pay claims at the
8 Medicare Like Rate because you're a tribal descendant?

9 MR. WALTERS: Object to foundation.

10 THE WITNESS: I don't know.

11 BY MR. HUBBARD:

12 Q. Have you ever inquired?

13 A. No.

14 Q. Have you ever seen an EOB from a medical provider other
15 than the clinic that was, for example, Priority Health?

16 A. Yes.

17 Q. And is it safe to say that you have an understanding as to
18 what Medicare Like Rates are for services provided because
19 you're able to tell whether or not a Medicare Like Rate was
20 or was not applied?

21 MR. WALTERS: Object to form and foundation.

22 THE WITNESS: Not by looking at it, no. I --
23 billing is not my thing, so I can't just look at a claim and
24 say, oh, yeah, that was already repriced. I would have no
25 idea. The only way I -- Forest County reprices them, and it

1 sends back an explanation of the repricing. If it was just
2 came from -- if it just came directly from Blue Cross or
3 Priority Health, I would have no clue, because I don't know
4 what the hospital's market rates are, what their open market
5 is, and then what Priority Health or Blue Cross, *Oh, no, you*
6 *have to reprice that at this rate.* No idea.

7 BY MR. HUBBARD:

8 Q. So how do you find that out, as to whether or not Medicare
9 Like Rate was actually applied or not?

10 A. I would submit it to Forest County, and they reprice it.

11 Q. So -- and that currently includes claims where there's a
12 primary insurer?

13 A. Correct. Now we do, yes.

14 Q. And remind me when that process started to take place.

15 A. For primary insurance?

16 Q. Yes, in Forest County.

17 A. I can't be for certain. I'm going to say maybe around
18 2014, sometime in that year. I'm just -- it's all kind of
19 a --

20 MR. HUBBARD: Is there a reason, Mr. Walters, why
21 you're nodding your head yes? I'm just wondering.

22 MR. WALTERS: Not at all, not at all.

23 MR. HUBBARD: Okay.

24 THE WITNESS: Oh, I didn't see him. I was
25 looking --

1 BY MR. HUBBARD:

2 Q. It's okay if you didn't see him or not. I think he's maybe
3 subconsciously doing it.

4 MR. WALTERS: Yeah. So, I mean, I'm not
5 testifying. I think that might be right, but I don't know.

6 MR. HUBBARD: Understood.

7 THE WITNESS: I'm guessing. My best guess.

8 BY MR. HUBBARD:

9 Q. Okay. Is there an agreement with Forest County Potawanami
10 regarding the repricing?

11 A. Yes.

12 Q. Do you recall when that agreement was signed?

13 A. The first one, in 2011.

14 Q. You're saying *the first one*, so are there more than one?

15 A. They have been expanded, I want to say. That might not be
16 the right word, but 'cause 2011 was to just strictly
17 reprice Medicare Like Rate claims.

18 Q. Then when you say *Strictly to reprice Medicare Like Rate*
19 *claims*, what do you mean?

20 A. Because that's all that we -- that's all that we had.
21 That's all the knowledge that -- that Little River had to
22 reprice uninsured Medicare Like Rate claims, so that's what
23 they were repricing for us.

24 Q. When you say that that's all that the knowledge you had
25 that the Tribe had, I'm trying to understand what you mean.

1 A. Okay. Let me rephrase that.

2 Q. Sure.

3 A. That's all that we knew to get repriced was the uninsured
4 claims at hospitals for Medicare Like Rates.

5 Q. Is there a reason why that's all that you knew?

6 A. Um, the only thing is sometimes when you don't go to area
7 meetings, um, where we sometimes had a health director,
8 sometimes didn't have a health director, so some meetings
9 got attended, some didn't at the area level. And by *area*
10 *level* I mean our area is Bemidji area in Minnesota, and so
11 when we received additional information, then we added on
12 the 506 recovery, and then recently third-party billing.

13 Q. When you say *506 recovery*, what do you mean?

14 A. Okay. 506 recovery is because there's no statute of
15 limitations for tribes, so we can go back to that magic
16 date of July 5th, 2007, and have all those claims repriced,
17 including the ones with primary insurance, and so at that
18 point, instead of billing for them, because the majority of
19 them have already been paid, that's called recovery. And
20 so, um, we pulled all the old claims we could find and
21 submitted them for recovery, and then Forest County sends
22 the letters and notifications to those vendors and -- and
23 tries to recover money.

24 Q. Is the recovery, let's assume for the moment that Forest
25 County does recover money. Where does that money come

1 from?

2 A. It comes from the hospital.

3 Q. The medical provider?

4 A. Yes.

5 Q. Then I'm assuming that Forest County has been successful in
6 that endeavor?

7 A. Yes.

8 Q. Do you or anybody at the PRC program keep a record of what
9 claims have and have not been sent to Forest County for 506
10 recovery?

11 A. There is no written claim. They are sitting in a box, the
12 ones that we hand back.

13 Q. What do you mean *they're sitting in a box*?

14 A. They're sitting in a box. They're -- when -- if we get a
15 check back for those ones, then we highlight them,
16 because -- so they don't get pulled again. So we try to
17 keep them separated from the rest of the other claims, so
18 they're -- they're in their own area in a box, so -- we
19 didn't file them back because we didn't want them to get
20 repulled by, *Oh, hey, this didn't get* -- so we leave them
21 out.

22 Q. I'm sorry, I don't understand what you were just trying to
23 tell me.

24 A. They're in a room, in one of our file rooms, in a locked
25 room, where they're kept in a box. They have already been

1 submitted for recovery and we receive them back, and that's
2 where they're staying. They're not like written down or
3 anything, they're just ones that we receive back.

4 Q. And you testified earlier that you tried to find all the
5 claims that you could find for 506 recovery, to have those
6 submitted. Do you recall that testimony?

7 A. No.

8 Q. Okay. How did you go about determining what claims to send
9 for purposes of 506 recovery to Forest County?

10 A. For Forest County for 506 recovery we went through -- from
11 2007 forward in everyone's files and pulled all the
12 hospital claims and sent them in.

13 Q. And that includes for both uninsured and insured
14 individuals?

15 A. Correct.

16 MR. WALTERS: Once we've exhausted the 506
17 recovery topic, if we can just take a short break.

18 BY MR. HUBBARD:

19 Q. Ms. Dahlke, you testified earlier that the 506 recovery
20 endeavor has been successful, correct?

21 A. Thus far, yes.

22 Q. Does the hospital make a payment to Forest County or does
23 the hospital make a payment directly to the Tribe?

24 A. The checks go to Forest County. I have gotten one or two
25 from some smaller hospitals, but I just notify them so they

1 MR. WALTERS: Object to form.

2 THE WITNESS: I don't know. All I know is we
3 pulled all the -- they were only hospital. No office
4 claims, just hospital.

5 BY MR. HUBBARD:

6 Q. Why the distinction between hospital and office claims?

7 A. Because Medicare Like Rates only for hospital. Well, until
8 this last spring, but, yes, only hospital. Only services
9 rendered at a hospital facility.

10 Q. In the regular course of business here at the Tribe is it
11 the Tribe's regular practice to keep all of the claims from
12 hospitals that relate to the PRC program?

13 A. Can you say that again?

14 Q. In terms of keeping business records here at the Tribe is
15 what I'm trying to get at --

16 A. Okay.

17 Q. -- does the Tribe make it its business practice in
18 operating the PRC program to keep all of the claims
19 received from medical providers other than the clinic?

20 A. For PRC?

21 Q. Correct.

22 A. We keep all of ours, yes. We have to, um, for -- 'cause we
23 get audited and stuff every year for our files, and they
24 need to the claim and the P0, and they all need to match
25 up, so we keep all that.

1 Q. And it's fair to say you've kept all that information since
2 July 5th of 2007?

3 A. The -- yes, the majority of it. The -- yes.

4 Q. And in the process of submitting claims to Forest County
5 relative to the 506 recovery process that you've been
6 talking about, are those the claims that you've kept that
7 you provided to Forest County?

8 A. Yes, we keep those.

9 Q. I guess what I'm trying to get at it is sounds like in
10 regular business course of practice the Tribe keeps all of
11 the claims from providers that it receives that bear upon
12 the PRC program, correct?

13 A. We have kept the majority of them, yes. PRC can purge
14 after seven years, but we've kept all the 5006 recovery
15 ones dated back to '07, yes.

16 Q. Okay. The claims that the PRC program is actually kept
17 since July 5th, 2007, are the same claims that have been
18 submitted to Forest County for 506 recovery, correct?

19 A. Yes.

20 Q. Is the expectation from your perspective that Forest County
21 will be repricing each one of those claims in connection
22 with the 506 recovery process successfully?

23 MR. WALTERS: Object to form.

24 MR. HUBBARD: I asked from her perspective.

25 MR. WALTERS: I object to the form of the

1 Q. Are you copied on those correspondences to hospitals?

2 A. No, the -- there's a general letter that Forest County
3 generated in the beginning of 506 recovery and Larry signed
4 it, the Ogema, and so they use that when they're submitting
5 it to. So it's from them on their letterhead, but it's
6 also signed by the Ogema showing that he okays -- he's
7 okaying them seeking that reimbursement.

8 Q. And you have copies of those letters?

9 A. I don't have one on hand, but I'm sure I could probably get
10 one. I've seen it, but I haven't -- I don't have a copy of
11 it, no. It's just one letter. It's just a simple --

12 Q. It's a form letter that's sent to different providers?

13 A. Yes. Yes.

14 Q. Do you know if in connection with 506 recovery process that
15 as to whether claims have been submitted where Blue
16 Cross/Blue Shield of Michigan was the primary insurer?

17 A. I can't say for specifically, but I'm sure that they were.
18 Um, yes, they were, actually.

19 Q. How do you know that?

20 A. All of them were.

21 Q. All of them were?

22 A. Well, because Blue Cross/Blue Shield of Michigan is used by
23 the resort employees, so those get submitted. Um, when --
24 all of 'em. Everyone with a primary insurance that has --
25 that went -- that had a hospital service was pulled and

1 sent.

2 Q. When you say -- you made reference to the casino, correct?

3 A. Yes.

4 Q. Are you talking with casino employees that also happen to
5 be tribal members or tribal descendants that participate in
6 the PRC program?

7 A. Yes, that's what --

8 Q. Before submitting claims to Forest County in connection
9 with the 506 recovery process, you were testifying earlier
10 that in connection with the PRC program claims would first
11 be submitted to Blue Cross/Blue Shield of Michigan,
12 correct?

13 A. Yes.

14 Q. And that's because they were the primary insurer and the
15 PRC program was the payer of last resort, correct?

16 A. Yes.

17 Q. And it's -- I'm assuming it's fair to say that when you
18 were undergoing that process that you knew that Blue
19 Cross/Blue Shield of Michigan was not paying Medicare Like
20 Rates as the primary insurer, correct?

21 MR. WALTERS: Object to foundation.

22 THE WITNESS: I have no idea if they were or not,
23 'cause I don't know the pricing for that. Like just by
24 looking at it, I can't tell that, oh, yeah, that was the
25 rate given to them. I wouldn't know, unless it was --

1 A. I think there were some sent before in the months prior to
2 this, trying to get -- trying to inform tribes of this, but
3 it didn't -- I don't recall them all quoting all of the
4 Section 506 that I told you about before.

5 Q. Earlier you testified that Forest County partner has
6 entered into an agreement with the Tribe for repricing and
7 also Section 506 recovery, correct?

8 A. Correct.

9 Q. What is *repricing*?

10 A. Repricing it for Medicare Like Rates, the repricing of the
11 claim to Medicare Like Rate.

12 Q. And in what context is that done?

13 A. I don't know what you mean.

14 Q. Sure. I'm trying to get an understanding of how that
15 exactly works the repricing. So what I'm trying to get to
16 the bottom of is the relationship between Forest County and
17 the Tribe, what the Tribe does, what the Forest County does
18 in the context of repricing. Does the Tribe provide the
19 claim to Forest County and then Forest County reprices it,
20 sends it to the provider? I just want to get an
21 understanding as to how that works.

22 A. Okay.

23 MR. WALTERS: Objection to form.

24 THE WITNESS: The Little River, this is not every
25 Tribe, contracts with another group to reprice our stuff.

1 We don't have the software, so we take the claims, just the
2 bills, just the claim only, and we make a list and we send
3 them secured fax to Forest County. They reprice them on
4 their software and they send them back with the repricing
5 explanation, and that's how they're processed.

6 BY MR. HUBBARD:

7 Q. Do you recall when that process first started to take
8 place?

9 A. In 2011.

10 Q. And was that for the repricing of claims for both uninsured
11 and insured individuals?

12 A. No. It was only uninsured individuals.

13 Q. Does Forest County currently reprice claims for the Tribe?

14 A. Yes.

15 Q. And does Forest County currently reprice claims for the
16 Tribe for both uninsured and insured individuals?

17 A. Yes.

18 Q. And that's different than the 506 recovery process that you
19 were testifying about earlier, correct?

20 A. Correct.

21 Q. When is it that the repricing of claims started to occur
22 with Forest County for insured individuals?

23 A. I want to say 2014, right around there. For everyone,
24 2014, early 2015. Without looking back I can't --

25 MR. WALTERS: And I'll object as asked and

1 answered I. Think you might have answered that earlier.

2 THE WITNESS: Yeah, I think I did.

3 BY MR. HUBBARD:

4 Q. If you saw an agreement, would that refresh your
5 recollection as to when that actually started to occur?

6 A. I don't know.

7 Q. Let me ask it a different way. Was there a separate
8 agreement that was signed with Forest County that was the
9 date upon which the repricing started to occur for insured
10 individuals?

11 A. No.

12 Q. So is it that an agreement was already in place in the
13 Tribe consistent with the agreement that was already in
14 place started sending to Forest County both uninsured and
15 insured claims?

16 A. Yes.

17 Q. And you think that that happened sometime in 2014 or
18 early 2015?

19 MR. WALTERS: Objection, asked and answered.

20 THE WITNESS: That's approximate. I don't have a
21 definite for that day, but, yeah.

22 BY MR. HUBBARD:

23 Q. Did you ever communicate with anybody about that?

24 A. About what?

25 Q. About the fact that the Tribe was starting to send over

1 A. Yes.

2 Q. *Copy of your driver's license.* Do you see that?

3 A. Yes, I do.

4 Q. Okay. The next one is *Copy of all insurance cards.* Do you
5 see that?

6 A. Yes, I do.

7 Q. So was this application available in 2010, or a form of
8 this application available in 2010 that tribal members
9 would fill out?

10 A. Yes.

11 Q. Okay. And in 2010 did the PRC program require copies of
12 all insurance cards at that time?

13 A. Yes.

14 Q. And if a tribal member or tribal descendant was
15 participating in the Blue Cross/Blue Shield of Michigan
16 plan, would the PRC program require a copy of a Blue
17 Cross/Blue Shield of Michigan insurance card?

18 A. Yes.

19 Q. Does the Tribe have those on file still?

20 A. What year are you looking for? Possibly.

21 Q. Is there a time by which the Tribe had it on file but
22 appeared in which the Tribe has gotten rid of them?

23 A. Yes. According to IHS, PRC only has to keep our
24 documentations and claims for seven years.

25 Q. But in the context of claims, you've kept them all since

1 July 5th of 2007, correct?

2 A. Just the hospital ones.

3 Q. In connection with this lawsuit has anybody ever asked you
4 to provide to them a copy of the claims that have been
5 submitted by the Tribe to Forest County for 506 recovery?

6 A. We -- yeah, we've provided copies, but it wasn't just for
7 506 recovery, it was just claims.

8 Q. What do you mean?

9 A. Claims, like tribal member claims. That tribal members
10 that were signed up for PRC that may have used a hospital
11 claim. That was -- I don't know if they were all submitted
12 for 506 or -- offhand, but, yeah.

13 Q. So did you provide all of the claims since July 5th of
14 2007? Is that what you're saying?

15 A. Yes.

16 Q. And --

17 A. Or I don't know the exact date, how far back, no. I don't
18 think they went -- I think they went back to 2008.

19 Q. To whom did you provide those to?

20 A. Shane and Rebecca.

21 Q. Who's Shane and Rebecca?

22 A. Shane and Rebecca, the legal staff.

23 Q. And can you tell me the dates or the month that you
24 provided those?

25 A. I believe it was toward the end of August. Yes, it was

1 just me and two other people at the time. I was short two
2 people then. It was the list of requirements from Blue
3 Cross/Blue Shield, so we were sent that and we pulled what
4 we could find and gave them to our attorneys, and I'm
5 assuming they transferred them to you.

6 Q. When you say *the list of requirements from Blue Cross/Blue*
7 *Shield*, what do you mean?

8 A. Okay, list of requirements might not have been the right --

9 Q. No, it's okay, I'm not trying to be difficult.

10 MR. WALTERS: Yeah. And I want to be very careful
11 here. If you've you got a document from the Tribe's legal
12 counsel saying these are the things we want you to track
13 down, that's an attorney/client privileged communication,
14 and you ought not testify about that. If there's some other
15 Blue Cross/Blue Shield document or something like that that
16 you're talking about, obviously you can testify about that.

17 THE WITNESS: Well, I can't honestly remember it
18 was strictly from then or if it was transferred from Blue
19 Cross/Blue Shield to me.

20 BY MR. HUBBARD:

21 Q. Let me ask it this way. The document that you saw, did it
22 have on the front of it --

23 If we could introduce this as Deposition Exhibit
24 Number 4. Thank you.

25 (At 12:46 p.m. - Off-the-record discussion.)

1 (Deposition Exhibit Number 4 marked.)

2 BY MR. HUBBARD:

3 Q. The document that you saw, the first page of the document
4 that was given to you, did it have something similar to
5 that on it?

6 A. No.

7 Q. Was it an email communication that you received?

8 A. Yes.

9 Q. Did the email communication that you received have an
10 attachment to it?

11 A. I don't recall.

12 Q. Do you recall when you received the request from your
13 counsel?

14 MR. WALTERS: Objection, asked and answered. We
15 have covered this.

16 BY MR. HUBBARD:

17 Q. I think we've covered the date upon which she provided it,
18 which was late in August. I want to know the date that it
19 was actually requested that you provided.

20 MR. WALTERS: Okay. Fair enough.

21 THE WITNESS: I don't know how much -- I think
22 early August. We had less than 30 days, I believe, I don't
23 remember. It was on a timeline.

24 BY MR. HUBBARD:

25 Q. Understood. I'm going to introduce another copy of a

1 document. Mark this as Exhibit Number 5.

2 (Deposition Exhibit Number 5 marked.)

3 BY MR. HUBBARD:

4 Q. Ms. Dahlke --

5 A. Hm-hmm.

6 Q. -- have you ever seen this document before?

7 A. Yes.

8 Q. And do you understand what it is?

9 A. Yes, I do.

10 Q. Can you please tell me what it is?

11 A. It's our agreement with Forest County Potawanami.

12 Q. When you were testifying earlier regarding the repricing of
13 claims --

14 A. Yes.

15 Q. -- with Forest County Potawanami consistent with an
16 agreement, is this the agreement that you were talking
17 about?

18 A. Yes.

19 Q. And you testified earlier that there was a time by which
20 underneath this agreement that you -- that PRC program
21 started to submit both uninsured and insured claims,
22 correct?

23 A. Yes.

24 Q. And that was done underneath this agreement?

25 A. Yes.

1 Q. Do you know, Ms. Dahlke, if this particular agreement is
2 still in effect with Forest County?

3 A. The agreement is still in effect. Um, I believe it's been
4 amended. I wouldn't have the latest copy for the 506
5 recovery and to include third-party billing.

6 Q. When you say *to include third-party billing*, what do you
7 mean?

8 A. I mean that Forest County, those are the services they
9 provide, so it's all in one agreement.

10 Q. Is third-party billing different than repricing and 506
11 recovery?

12 A. Yes.

13 Q. Can you tell me what that is?

14 A. Not really. I'm not a biller.

15 Q. Okay. Do you know what it relates to, at least?

16 A. The clinic services.

17 Q. Okay.

18 A. For direct care.

19 Q. For direct care?

20 A. Hm-hmm.

21 (Deposition Exhibit Number 6 marked.)

22 BY MR. HUBBARD:

23 Q. Ms. Dahlke, I've handed you a document that's been marked
24 as Dahlke number 6. Do you recognize this document?

25 A. I think so. It looks like one of the amended, yes. It's

1 an MLRN recovery.

2 Q. Is this the document that you referred to earlier as what
3 you thought might be an amended version of the 2011
4 repricing agreement?

5 A. Yes.

6 Q. And is it your understanding that this particular document
7 that's been marked as Dahlke Exhibit Number 6 covers both
8 repricing and 506 recovery?

9 A. Yes.

10 Q. I'd like for you to please turn to provision 9.1, which is
11 titled *Notice to parties*?

12 A. Okay.

13 Q. And it says *To Program Sponsor*, and it says *Attention:*
14 *Gina*. Is that your maiden name that's there?

15 A. Yes.

16 Q. Okay. And is that your signature?

17 A. Yes.

18 Q. Have you ever received any sort of notices or
19 communications under this agreement at all because it's
20 supposed to be sent to your attention?

21 A. Any what? Have I received any, what did you say?

22 Q. Notices or communications underneath this agreement?
23 Because it would appear to me that any such notice or
24 communications are to go to your attention.

25 A. Yes.

1 A. Okay.

2 Q. And can you please look at section 1(a) there?

3 A. Okay.

4 Q. Where it says *Upon execution of this agreement*. Do you see
5 that?

6 A. Yes.

7 Q. It says the *The Tribe shall provide to Forest County*
8 *Potawanami Insurance Department*, it says *FCPID* for short?

9 A. Yes.

10 Q. Files for claims eligible for Medicare Like Rates for
11 Medicare Health Care Service?

12 A. Yes, sir.

13 Q. It goes on to say *At any time while this agreement is in*
14 *effect, the Tribe may submit claims to be audited from July*
15 *5th, 2007, to the present year pursuant to the terms of*
16 *this agreement*. Do you see that?

17 A. Yes.

18 Q. Earlier, when you testified that you provided to Forest
19 County claims since July 5th of 2007, were you doing that
20 because of this particular agreement?

21 A. Yes.

22 Q. Subparagraph C says *FCPID shall conduct an audit of the*
23 *claims files to determine whether any overpayments were*
24 *made*. Do you see that?

25 A. Yes.

1 Q. And then it says *They shall determine if the appropriate*
2 *Medicare Like Rate was paid, and if not, request*
3 *reimbursement from the provider for the amount that exceeds*
4 *the Medicare Like Rates.* Do you see that?

5 A. Yes.

6 Q. Are you aware whether or not any such audit ever took
7 place?

8 A. That's what they do when I send a claim to them.

9 Q. Okay.

10 A. They audit it and then submit it with that letter, and then
11 they get the checks back and forward them to us.

12 Q. And you have copies of all those communications?

13 A. Of all the checks and the invoices, yes, I do.

14 Q. Okay. And then it says, in subparagraph E, *FCPID will*
15 *complete the audit and provide the detailed accounting of*
16 *the audit to the Tribe in writing, including the results of*
17 *the audit, within 180 days of FCPID's receipt from the*
18 *Tribe of the files to be audited.* Do you see that?

19 A. Yes.

20 Q. Have you ever seen a of the detailed accounting of the
21 audit that Forest County has performed on behalf of the
22 Tribe?

23 A. Yes. They submit those with every check, and then they
24 just keep compiling and adding on.

25 Q. So when the PRC program made the decision to provide all of

1 the claims since July 5th of 2007 to Forest County, did
2 you -- did the PRC program or did you do that all at once
3 like on a single day? How was that process undertaken?

4 A. We started going through all the files, pulling all of the
5 old claims. We boxed them up via Fed Ex, 'cause you can't
6 fax you that that stuff, so we were send them express via
7 Fed Ex. That's how -- and a little at a time, because
8 there wasn't a box big enough, so we would just send them a
9 box every day at the beginning, then it was every week, and
10 then now it's just only a few at a time.

11 Q. There's only a few at a time, 'cause it's only for those
12 claims that are coming in for new medical services that
13 were rendered?

14 A. Those get faxed.

15 Q. Understood.

16 A. The recovery ones are just the older ones that have already
17 been paid.

18 Q. Is the PRC program still going through files to find
19 additional claims?

20 A. Yeah, we do. We constantly are double checking ourselves.
21 We try to do that, so every time we're in a file I or my
22 staff we just like if you're flipping through it's like,
23 oh, hey, then we double check to see if it's been sent out
24 and we just try to double check ourselves, there's only
25 like this much more to send out, we don't.